

**ONE HORSE ESTATES**  
**77-LOT MAJOR SUBDIVISION AND ONE VARIANCE REQUEST**  
**\*Subject to Ravalli County Subdivision Regulations, as amended August 4, 2005\***

**STAFF REPORT FOR PLANNING BOARD**

**CASE PLANNER:** Tristan Riddell *TR*

**REVIEWED/  
APPROVED BY:** Renee Van Hoven *rv*

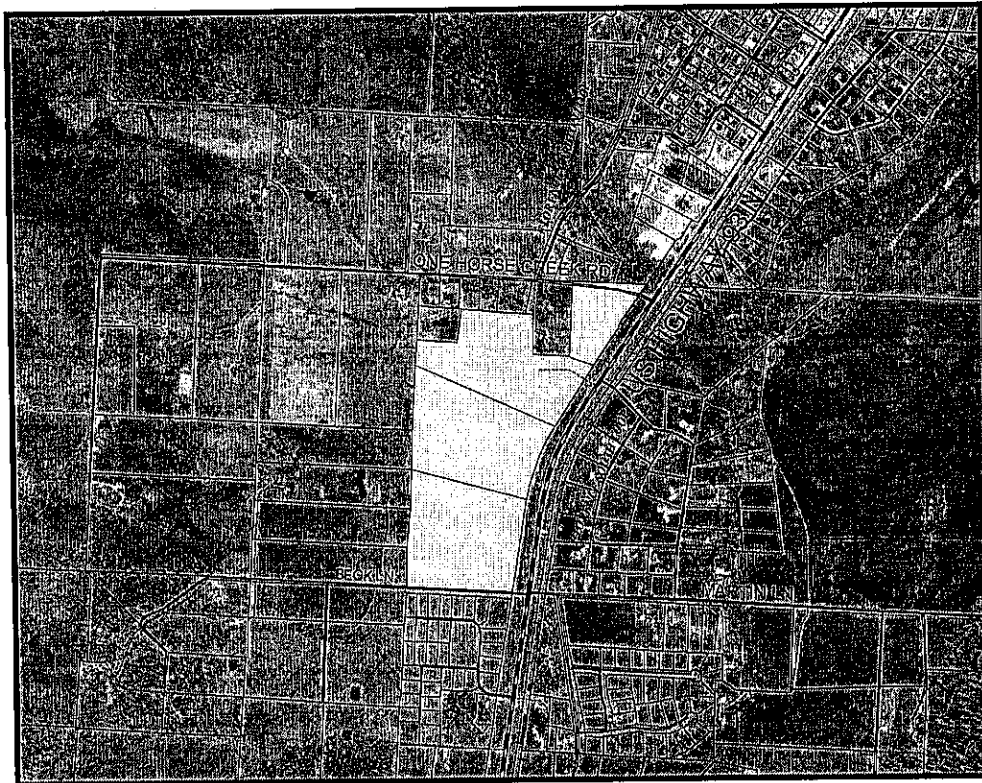
**PUBLIC HEARINGS/  
MEETINGS:**

RCPB Plat Evaluation:	October 18, 2006
RCPB Public Hearing:	September 5, 2007
Deadline for PB recommendation to BCC:	October 3, 2007
BCC Public Meeting:	October 11, 2007 (tentative)
Deadline for BCC action (60 working days):	October 29, 2007

**APPLICANT/OWNER:** One Horse Acres, LLC  
N.W. 330 Martin Lane  
Florence, MT 59833

**REPRESENTATIVE:** Terry Nelson, Applebury Survey, (406) 961-3267

**LOCATION OF REQUEST:** The property is located south of Florence off U.S. Highway 93.  
(See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Parcels 1 and 2 of Certificate of Survey 2441 and Lots 2A and 2B AP 479226 located in a portion of the SW¼ of Section 14, and the SE¼ of Section 15, T10N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined complete on October 11, 2006. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-8 of the staff report. The public hearing was originally scheduled for November 1, 2006. Due to staff's concerns about the disturbance of potential wetlands, the applicant requested that the public hearing be postponed. On November 7, 2006, voters enacted interim zoning that applied to any subdivision that had not received preliminary approval from the Board of County Commissioners. As a result of the *Lords et al. v Ravalli County* settlement agreement, legal counsel has advised, that subdivisions not part of the lawsuit that should have received a decision prior to the enactment of interim zoning, should be processed in accordance with the settlement.

**LEGAL NOTIFICATION:**

A legal advertisement was originally published in the Ravalli Republic on Tuesday, October 17, 2006. The legal was re-advertised on August 21, 2007. Notice of the project was posted on the property and adjacent property owners were re-notified by mail postmarked August 21, 2007.

**DEVELOPMENT  
PATTERN:**

Subject property	Agriculture
North	Residential
South	Residential
East	Residential
West	Agriculture

**APPLICABLE  
REGULATIONS:**

The proposal is being reviewed under the Ravalli County Subdivision Regulations (RCSR), as amended August 4, 2005.

## **INTRODUCTION**

One Horse Estates is a 77-lot major subdivision proposed on 62.69 acres. The property is located approximately one mile south of Florence on U.S. Highway 93. It is located in the Florence-Carlton School District and the Florence Rural Fire District. The proposal is for 75 single-family residential lots, and two lots (Lots 69 and 70) that could be residential or commercial. All lots will have individual wells. Lots within Phase I will have individual wastewater treatment systems. The remaining lots will be served by a community wastewater treatment system.

In conjunction with the subdivision proposal, the applicant is requesting one variance:

1. For relief from Section 3-2-21 of the Ravalli County Subdivision Regulations, to allow the project to be developed in 5 phases over 10 years.

*Staff recommends conditional approval of the Variance and the subdivision proposal.*

## RAVALLI COUNTY PLANNING BOARD

SEPTEMBER 5, 2007

### ONE HORSE ESTATES 77-LOT MAJOR SUBDIVISION AND ONE VARIANCE REQUEST

#### RECOMMENDED MOTIONS

1. That the variance request from Section 3-2-21 of the Ravalli County Subdivision Regulations to allow the developer to complete the project in 5 phases over 10 years with a phasing plan instead of two phases to be completed within four years, be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.
2. That the One Horse Estates Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (*Staff Note: The Planning Board needs to include their recommendation on parkland dedication in the motion.*)

#### RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE I

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

**Notification of Proximity to Agricultural Operations.** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

**Notification of Road Maintenance Agreement.** Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision roads and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for these roads was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services*)

**Notification of Irrigation Facilities and Easements.** Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easements to maintain the ditches. (*Effects on Agricultural Water User Facilities*)

**Notification of Proximity to One Horse Creek.** This subdivision is located in close proximity to One Horse Creek. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. (*Effects on Natural Environment*)

**Notification of Severe Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

**Limitation of Access Onto State Roads.** A non-ingress/egress zone exists along U.S. Highway 93 which restricts vehicular access onto this State-maintained road, excepting the approved locations for the internal subdivision roads. All lots within this subdivision must use the approved access points. This limitation of access may be lifted or amended with approval of the Montana Department of Transportation. (*Effects on Local Services and Public Health and Safety*)

2. Protective covenants for the entire One Horse Estates Subdivision shall be submitted with the final plat for the first phase that include the following provisions:

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife, must accept responsibility for protecting their vegetation from damage, and must confine their pets and properly store garbage, pet food, and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks (FWP) office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively see the Education portion of FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value. (*Effects on Wildlife and Wildlife Habitat*)

- a) Homeowners must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b) **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c) **Garbage** should be stored in secure bear-resistant containers or indoors to avoid attracting animals such as bears, raccoons, dogs, etc. It is best not to set garbage cans out until the morning of garbage pickup.
- d) **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to human, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e) **Bird feeders** attract bears. If used, bird feeders should: i) be suspended a minimum of 20 feet above ground level, ii) be at least 4 feet from any support poles or points, and iii) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f) **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of their owner(s), and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal

for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).

- g) **Pet food** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, etc. **When feeding pets** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h) **Barbecue grills** should be stored indoors. Permanent, outdoor barbecue grills are discouraged in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- i) Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and/or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.
- j) **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

**Riparian Covenants.** Healthy, naturally functioning riparian areas benefit fish and wildlife, as well as agriculture and recreation. The goal of the no-build/alteration zones along the riparian area associated with Woodchuck Creek and the two natural drainages traversing the subdivision is to help preserve the water quality and functionality of these drainage areas, protect and enhance potential riparian areas, and protect property from eroding banks and possible flooding. (*Effects on Natural Environment and Wildlife and Wildlife Habitat*)

A 100-foot no-build/alteration zone is centered on both of the natural drainages traversing the property and a no-build/alteration zone encompasses the riparian area associated with Woodchuck Creek. The following covenants apply to the no-build/alteration zones:

- a. No new building or alteration is allowed in the zone.
- b. Only non-motorized access is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zone. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In summary, allow the natural drainage areas to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- g. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Florence Rural Fire District has adopted the Uniform Fire Code which requires the lot owners to post the County-issued addresses at the intersection of the driveways leading to all residences as soon as construction on the residences begins. (*Effects on Local Services & Effects on Public Health and Safety*)

**Access Requirements for Lots within this Subdivision.** The Florence Rural Fire District has adopted the Uniform Fire Code. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the Uniform Fire Code. Please contact the Florence Rural Fire District at PO Box 721, Florence, MT, for further information on the requirements of the Florence Rural Fire District and/or the Uniform Fire Code. *(Effects on Local Services and Public Health and Safety)*

**No-Build/Alteration Zone.** Within this subdivision there are no-build/alteration zones located on Lot 69 and encompassing the natural drainage/ditch feature traversing the northern end of the property, as shown on the plat, to restrict building in areas within riparian vegetation and potential wetlands. No new structure, with the exception of fences, may be constructed in this area. No new utilities, with the exception of wells, may be constructed in this area. Maintenance of irrigation facilities is allowed. *(Effects on Natural Environment)*

**Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). *(Effects on Natural Environment and Public Health & Safety)*

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Effects on Public Health & Safety)*

**Primary Heat Source.** The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

**Control of Noxious Weeds.** A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Effects on Natural Environment)*

**Amendment.** The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with the subdivision plat of each phase that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*

4. The subdividers shall submit an approved approach permit, issued by the Montana Department of Transportation, for the Cowboy Court access prior to final plat. (*Effects on Local Services and Public Health & Safety*)
5. Easements for Cowboy Court shall be labeled as public road and utility easements on the final plat. (*Effects on Local Services*)
6. A stop sign and road name sign, at the intersection of Cowboy Court and U.S. Highway 93, shall be installed and approved by the Ravalli County Road and Bridge Department prior to final plat. (*Effects on Local Services and Public Health and Safety*)
7. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. (*Effects on Local Services*)
8. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. (*Effects on Local Services*)
9. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. (*Effects on Local Services and Public Health and Safety*)
10. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. (*Effects on Local Services and Public Health and Safety*)
11. The applicants shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications, have been approved by the local post office prior to final plat approval. (*Effects on Local Services*)
12. A Road Maintenance Agreement shall be filed for Cowboy Court and shall only pertain to Lots 69 through 77 of Phase I. The Road Maintenance Agreement shall meet the requirements as outlined in Section 3-2-18 of the Ravalli County Subdivision Regulations. (*Effects on Local Services*)
13. The no-build/alteration zones located on Lot 69, the southern portions of Lots 71, 72, and 73, and the park, shall be shown on the face of the final plat, as shown on the preliminary plat. (*Effects on the Natural Environment*)
14. The Homeowners' Association documents shall include language stating that the association is responsible for the maintenance of the park, the two pathways to the park, and the community wastewater treatment facilities located within the park. (*Effects on Local Services*)
15. A no ingress/egress zone shall be placed along the U.S. Highway 93 frontage of the subdivision, excepting the approaches as approved by the Montana Department of Transportation, on the final plat. (*Effects on Local Services and Public Health and Safety*)



16. A 20-foot wide irrigation easement shall be shown on the final plat on the natural drainage/ditch feature traversing the northern portion of the park. *(Effects on Agricultural Water User Facilities)*
17. The proposed phasing plan shall be accepted and any changes to the order and dates of filing shall be submitted as a revised phasing plan(s) to the Board of County Commissioners for review and approval prior to the final plat approval of each phase. *(Variance #1)*
18. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

#### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE II**

19. The final plat application packet shall include the plans, drawings and specifications, as prepared and certified by a professional engineer, for the community wastewater treatment system. *(Effects on Local Services, Natural Environment and Public Health and Safety)*
20. The subdividers shall submit an approved approach permit, issued by the Montana Department of Transportation, for the Horseback Trail access prior to final plat. *(Effects on Local Services)*
21. Easements for all internal roads located within Phase II shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*
22. A no ingress/egress zone shall be placed along the U.S. Highway 93 frontage of the subdivision, excepting the approaches as approved by the Montana Department of Transportation, on the final plat. *(Effects on Local Services and Public Health and Safety)*
23. Stop signs and road name signs, at the intersections of Horseback Trail and U.S. Highway 93, Horseback Trail and Palomino Drive, Horseback Trail and Buckaroo Boulevard, and at the four-way intersection of Horseback Trail and Lariat Loop North and South shall be installed and approved by the Ravalli County Road and Bridge Department prior to final plat. *(Effects on Local Services and Public Health and Safety)*
24. A 20-foot wide irrigation easement shall be shown on the final plat on the natural drainage/ditch feature traversing the northern portion of Lot 25. *(Effects on Agricultural Water User Facilities)*
25. The applicants shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications, have been approved by the local post office prior to final plat approval. This CBU shall be utilized by Phases II through V. *(Effects on Local Services)*
26. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
27. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*

28. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*
29. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*
30. A RMA for the remaining roads within the subdivision (Buckaroo Boulevard, Horseback Trail, Horseshoe Road, Bronco Court, Lariat Loop South, Lariat Loop North, and Palomino Drive) shall be filed with the final plat of Phase II. *(Effects on Local Services)*
31. The no-build/alteration zone, excepting wells, located along the northern portion of Lot 25, shall be shown on the face of the final plat, as shown on the preliminary plat. *(Effects on the Natural Environment)*
32. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE III**

33. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
34. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*
35. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*
36. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*
37. Easements for Horseback Trail shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*

38. The no-build/alteration zone, excepting wells, located along the northern portions of Lots 14 and 15, shall be shown on the face of the final plat, as shown on the preliminary plat. *(Effects on the Natural Environment)*
39. A 20-foot wide irrigation easement shall be shown on the final plat on the natural drainage/ditch feature traversing the northern portions of Lots 14 and 15. *(Effects on Agricultural Water User Facilities)*
40. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

#### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE IV**

41. The subdividers shall submit an approved approach permit, issued by the Montana Department of Transportation, for the Buckaroo Boulevard access prior to final plat. *(Effects on Local Services)*
42. Easements for all internal roads located within Phase IV shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*
43. Stop signs and road name signs, at the intersections of Buckaroo Boulevard and Horseshoe Road and Buckaroo Boulevard and Bronco Court shall be installed and approved by the Ravalli County Road and Bridge Department prior to final plat. *(Effects on Local Services and Public Health and Safety)*
44. A no ingress/egress zone shall be placed along the U.S. Highway 93 frontage of the subdivision, excepting the approaches as approved by the Montana Department of Transportation, on the final plat. *(Effects on Local Services and Public Health and Safety)*
45. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
46. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*
47. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*
48. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*

49. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE V**

50. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
51. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*
52. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*
53. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*
54. Easements for Lariat Loop South shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*
55. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA**

#### **CRITERION 1: EFFECTS ON AGRICULTURE**

##### **Findings of Fact:**

1. The proposed major subdivision on 60.69 acres will result in 77 lots that range in size from 20,200 square feet to 7.13 acres. The property is located approximately 1 mile south of the community of Florence off U.S. Highway 93.
2. According to the application, the property has been used for agriculture in the past.
3. According to Appendix K of the Ravalli County Subdivision Regulations, there are no Prime Farmland Soils or Farmland of Statewide Importance associated with this property.
4. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat for Phase I. (Condition 1)

##### **Conclusions of Law:**

1. With the recommended mitigating condition, impacts of this subdivision on surrounding agricultural practices will be minimized.
2. The creation of these lots will not take Prime Farmland or Farmland of Statewide Importance out of production.
3. The property is located in close proximity to the community of Florence in a transitional area between higher density town lots and agricultural land. This transitional area has a mixture of uses including large lot residential, commercial, and agricultural. Loss of agricultural land in this location may help to protect agricultural land further out from existing towns by providing development similar to the surrounding density.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### **Findings of Fact:**

1. There are no water rights associated with this property.
2. According to the USGS Topographic Map and 2004 Aerial Photographs, there is a natural drainage feature that flows from the west of the property and across the northern portion of the property.
3. The portion of the natural drainage traversing the property currently functions as a ditch. In a letter dated September 29, 2006 (Exhibit A-6), the Bitterroot Conservation Supervisor states that he considers the drainage feature a ditch.
4. The applicant has water rights associated with another property downstream of the proposed subdivision. According to the applicant there are no other downstream users. To mitigate impacts on agricultural water user facilities, the final plat shall show a 20-foot wide irrigation easement centered on the ditch. (Conditions 16, 24, and 39)
5. Section 5-8-1(f) states that natural drainage ways shall be preserved. While the natural drainage also functions as a ditch, there is wetland and riparian vegetation associated with the feature. The applicant is proposing a no-build/alteration zone along the feature (See Natural Environment). To mitigate impacts on agricultural water user facilities, the no-build/alteration zone shall not preclude maintenance of irrigation facilities. (Condition 2)

##### **Conclusion of Law:**

With the conditions of final plat approval, there will be no negative impacts associated with agricultural water user facilities.

### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

#### **Findings of Fact:**

1. U.S. Highway 93 is a State maintained road that meets County Standards.
2. The internal road system is proposed to meet County Standards. An engineer's certification that the roads meet County Standards is a requirement of the final plat approval of each phase. The Road and Bridge Department has approved the preliminary road plans. (Exhibit A-1)
3. To mitigate impacts on local services and ensure public access, the easements for the internal roads shall be labeled as public road and utility easements on the final plat of each phase. (Conditions 5, 21, 37, 42, and 54)
4. A preliminary Road Maintenance Agreement for all the internal roads has been included in the application packet. Since Cowboy Court will only serve the lots in Phase I, a separate RMA for Cowboy Court and the lots in Phase 1 shall be filed with the final plat for Phase 1 (Condition 12). A RMA for the remaining roads within the subdivision (Buckaroo Boulevard, Horseback Trail, Horseshoe Road, Bronco Court, Lariat Loop South, Lariat Loop North, and Palomino Drive) shall be filed with the final plat of Phase II (Condition 30). To mitigate impacts on local services and public health and safety, a notification of the road maintenance agreements shall be included in the Notifications Document filed with the final plat. (Condition 1)
5. Final road plans and grading and drainage plans approved by the Road and Bridge Department, road certifications certified by a professional engineer for the internal roads, and a copy of the General Discharge Permit for Stormwater associated with construction activity from MDEQ (if applicable) will be required prior to final plat approval. All infrastructure improvements are required to be completed prior to the final plat approval for each phase.
6. As a requirement of final plat approval, the applicant shall submit road name petitions approved by the County GIS department for the internal subdivision roads prior to final plat approval. A stop sign and road name sign shall be installed at the intersection of all internal roads prior to final plat approval for each phase. (Conditions 6, 23 and 43)
7. The subdivider shall place a "no ingress/egress" restriction along the U.S. Highway 93 frontage of the subdivision, excepting the MDT approved approaches. The "no ingress/egress" zone shall be labeled on the final plat of Phases I, II, and IV. A notification of the limitation of access onto a state road shall also be included in the Notifications Document. (Conditions 1, 15, 22, and 44)
8. The subdivision currently has a right-of-way agreement with the Montana Department of Transportation (MDT) allowing three accesses onto U.S. Highway 93 (Application). In a letter dated October 20, 2006 (Exhibit A-2) MDT states that new approach permits will be issued for the proposed use of the subdivision. The subdivider shall provide approved approach permits from MDT as a requirement of final plat approval of each pertinent phase. (Conditions 4, 20, and 21)
9. The subdivision is required to provide 3.85 acres of parkland. The proposed parkland dedication is 7.64 acres. The park will be maintained by the One Horse Estates Homeowners' Association. The Homeowners' Association documents shall include language stating that the association is responsible for the maintenance of the park, the two pathways to the park, and the community wastewater treatment facilities located within the park. (Condition 14)
10. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)
11. Individual wells and wastewater treatment systems are proposed for lots within Phase 1 and Lots 14 and 15 of Phase 3 of this subdivision. The remaining lots will utilize individual wells and a community septic system located within the park.
12. The applicant submitted plans drawings, and specifications for the community wastewater system. (Effects on Natural Environment)
13. Bitterroot Disposal provides service to this site.

14. The Florence-Carlton School District was notified of the subdivision proposal. In a letter dated October 23, 2006 (Exhibit A-3), the school district requested a contribution of \$10,418 per lot. The developer is proposing to contribute a voluntary donation to the school district in the amount of \$250 per lot. To mitigate impacts on local services, the developer shall provide evidence that a per lot contribution has been made to the School District for each phase prior to the final plat approval of each phase. (Conditions 7, 26, 33, 45 and 50)
15. The subdivision is located within the Florence Rural Fire District. The Florence Rural Fire District has provided comments on previous subdivision proposals indicating they have adopted a policy which addresses access, posting of addresses, and water supply requirements (Exhibit A-3). Conditions of approval will meet the recommendations of the Florence Rural Fire District. (Conditions 8, 22, 27, 35 and 39)
16. To mitigate the impacts of this subdivision on local services and public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2, 9, 28, 35, 47 and 52)
17. The Ravalli County Sheriff's Office provides law enforcement services to this area. No comments have been received by the Sheriff's Office. The current level of service is not known, but it is generally understood that the Sheriff's Office is operating at an inadequate level of service. The applicant is not proposing any mitigation. (Conditions 8, 27, 34, 46, and 51) *(Staff Note: Since the current or planned level of service for the Sheriff's Office is unknown and the applicant has not proposed any mitigation, Staff recommends the BCC negotiate an amount per lot with the applicants and include the appropriate finding(s) supporting the amount in their decision.)*
18. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department and/or Missoula Emergency Services. Both agencies were notified of the proposal, but no comments have been received by either entity.
19. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-8). (Conditions 11 and 25)

**Conclusion of Law:**

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

**CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT**

**Findings of Fact:**

1. The property is located approximately 150 feet south of One Horse Creek, which drains an area less than 15 square miles and does not require a floodplain analysis. One Horse Creek Road separates One Horse Creek from the property. A notification regarding the proximity of One Horse Creek shall be included in the Notifications Document. (Condition 1)
2. According to the USGS Topographic Map and 2004 Aerial Photographs, there is a natural drainage feature that flows from the west of the property and across the northern portion of the property.
3. Section 5-8-1(f) states that natural drainage ways shall be preserved.
4. The preliminary plat states that Lot 77 has potential wetlands on the property. This riparian area shall be identified as a no build/alteration zone on the final plat, as shown on the preliminary plat. In order to mitigate impacts on the natural environment, definition of the no-build/alteration zone shall be included in the covenants and the no-build/alteration zone placed on the final plat. (Conditions 2 and 13)
5. Individual wells and wastewater treatment systems are proposed to serve all lots in Phase 1. The remaining lots will have individual wells and be connected to a community wastewater treatment system. Adequate information has been provided to the Environmental Health

Department for local subdivision review to occur (Exhibit A-4). DEQ will review the public wastewater treatment system and individual systems and a Certificate of Subdivision Plat Approval from DEQ for each phase is a requirement of final plat approval for each phase. Each phase will be required to meet the most current standards for DEQ approval.

6. The community sewer system is required to be installed prior to final plat approval of Phase II as part of the infrastructure requirements for this subdivision. The final plat application packet shall include final plans and certification by a professional engineer, for the community wastewater treatment system, as required by the Subdivision Regulations. (Condition 19)
7. The Department of Natural Resources and Conservation (DNRC) submitted comments recommending that the developer consider installing a community water system (Exhibit A-5).
8. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)
9. A noxious weed and vegetation control plan is required to be filed with the final plat of each phase for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts from this subdivision on the natural environment will be minimized.

**CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT**

Findings of Fact:

1. The property is not located within the FWP-identified big game winter range and no species of special concern have been identified in the vicinity of the subdivision.
2. The property is located 150 feet south of One Horse Creek, there are wetlands on Lot 77, and potentially along the natural drainage which traverses the northern portion of the property.
3. FWP submitted a letter dated ~~XXXX~~ (Exhibit A-7) recommending that living with wildlife and riparian area provisions be included in the covenants for this subdivision. To mitigate impacts on wildlife, the applicant shall include these provisions in the covenants. (Condition 2)

Conclusion of Law:

With the condition of approval, impacts of the proposed subdivision on wildlife will be mitigated.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY**

Findings of Fact:

1. The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2, 9, 26, 35, 47, and 52)
2. The subdivision currently has a right-of-way agreement with the Montana Department of Transportation (MDT) allowing three accesses onto U.S. Highway 93 (Application). In a letter dated October 20, 2006 (Exhibit A-2) MDT states that new approach permits will be issued for the proposed use of the subdivision. The subdivider shall provide approved approach permits from MDT as a requirement of final plat approval of each pertinent phase. Access to this subdivision will be adequate for public health and safety. (Conditions 4, 20, and 21)
3. To mitigate impacts on the road system and public safety, the applicant shall install stop signs at the intersections of the internal roads. (Conditions 6, 23 and 43)
4. The subdivider shall place a "no ingress/egress" restriction along the U.S. Highway 93 frontage of the subdivision, excepting the MDT – approved approaches. The "no ingress/egress" zone



- shall be labeled on the final plat. A notification of limitation of access onto a State road shall be included in the Notifications Document. (Conditions 1, 15, 22, and 44)
5. There is the potential for more than one phase to be filed each year over the next ten years and turnarounds or through-roads will not necessarily be available for emergency vehicles until build-out. To mitigate impacts on public health and safety, temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles shall be constructed for internal roads with each phase, when necessary, to ensure emergency vehicles can easily access the subdivision. (Conditions 18, 32, 40, 49 and 55)
  6. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils shall be included in the Notifications Document filed with the final plat of the first phase. (Condition 1)
  7. Lots created in Phase I will be served by individual wells and wastewater treatment systems. The remaining lots will have individual wells and be connected to community wastewater treatment facilities. (Natural Environment)
  8. To mitigate the general impacts of this subdivision on public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2, 10, 29, 36, 48 and 53)
  9. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
  10. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. (Condition 2)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

**COMPLIANCE WITH:**

**1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.**

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements, or conditions have been required to bring the proposal into compliance.

**2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.**

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

### **3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS**

#### **Findings of Fact:**

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

#### **Conclusion of Law:**

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

### **CONSISTENCY WITH EXISTING ZONING AND COVENANTS**

#### **Findings of Fact:**

1. The application states the property is not located within a zoning district.
2. There are existing covenants on the property. (Application) The existing covenants are proposed to be amended, so that two lots in Phase I may be used for commercial purposes. The proposed covenants were submitted at the plat evaluation on October 18, 2006. (Exhibit A-7)
3. This subdivision was not subject to the settlement agreement filed in the *Lords et al. v. Ravalli County* lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006. However, based on a timeline established by the County, the subdivision should have received a decision prior to the interim zoning regulations coming into effect. On the advice of legal counsel, the subdivision is being reviewed as if it was part of the settlement and may be affected by future actions resulting from said settlement.

#### **Conclusions of Law:**

1. Zoning does not apply at this time.
2. The proposal will be in compliance with covenants once the proposed amendments are filed.

### **PROVISION OF EASEMENTS FOR UTILITIES**

#### **Findings of Fact:**

1. The plat indicates utility easements are located along and within the easement/right-of-way of U.S. Highway 93. Utility easements are proposed to be extended along each internal subdivision road.
2. According to the application, the proposed subdivision will be served by Northwester Energy and Qwest Telephone.
3. Utility easements are required to be shown on the final plat.

#### **Conclusion of Law:**

Utility services are available to the subdivision.

**PROVISION OF LEGAL AND PHYSICAL ACCESS**

**Finding of Fact:**

Physical and legal access for this subdivision is proposed via U.S. Highway 93. The lots will access off internal roads. (Local Services)

**Conclusion of Law:**

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.

## VARIANCE REPORT

### VARIANCE REQUEST#1

The applicant requested a variance from Section 3-2-21 of the Ravalli County Subdivision Regulations to allow for the project to have five phases filed over a maximum period of ten years, instead of a maximum of two phases over a period of four years as allowed in the Subdivision Regulations.

### Compliance with Review Criteria

#### **A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### Findings of Fact:

1. If One Horse Estates was submitted as five individual subdivisions over a period of ten years, the cumulative impacts of the entire project on public health, safety and general welfare, and adjoining land owners would be difficult to assess. With the proposed phasing plan, impacts to the public from the entire project can be properly assessed and mitigated. To make it easier to envision infrastructure improvements over ten years, staff has reformatted the conditions to be for each phase.
2. Section 76-3-610 MCA allows for preliminary plat approval periods that are longer than the standard one to three years, if they are subject to a written agreement between the governing body and the subdivider. Subsection 2 also notes the governing body may not impose additional conditions after preliminary plat approval if final plat approval is obtained within the original or extended approval period. The applicant has submitted a phasing plan and to mitigate impacts on public health and safety, any changes to the phasing plan shall be approved by the Board of County Commissioners prior to final plat approval of each phase. (Condition 17)
3. Regardless of whether the proposal comes through with an extended phasing plan or if the subdivision was split into multiple subdivisions that are reviewed and approved over the same period of time, DEQ and the County Environmental Health Department will review final plans prior to issuing a Certificate of Approval for each phase and will ensure the most current standards are applied.
4. All internal subdivision roads will be constructed to meet both AASHTO and Ravalli County standards for new road construction.
5. To ensure adequate infrastructure is in place and to protect public health and safety, the following conditions shall be imposed: phases shall be filed such that there are easements for necessary infrastructure in place, all necessary infrastructure for a phase shall be completed prior to filing the phase even if it is not scheduled to be finished until a future phase, and temporary road turnarounds shall be installed as necessary for each phase. (Conditions 18, 32, 40, 49 and 55)

##### Conclusions of Law:

1. Impacts to public health, safety and general welfare and adjoining properties can be better assessed for a planned subdivision in phases than for multiple individual subdivisions.
2. With the mitigating conditions of approval, impacts of granting the variance on public health, safety and general welfare and on adjoining property owners have been addressed.

#### **B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

##### Findings of Fact

There are other large properties in the Bitterroot Valley that could support a similar type and scale of development for which a long term phasing plan might be requested.

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Finding of Fact:

Physical conditions of the property do not affect the phasing of the development.

Conclusion of Law:

This criterion does not apply.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The application states the property is not zoned and an approval of the variance will not vary from the growth policy.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

**Countywide Goal 4:** Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

**Countywide Policy 4.1:** Encourage development that will minimize or avoid additional costs to existing taxpayers.

**Countywide Policy 4.2:** Consider cumulative impacts of development.

- The applicant has requested a variance from the phasing limitations in the Subdivision Regulations. Although it is difficult to determine whether all impacts of the subdivision on the primary review criteria will have been mitigated ten years into the future, reviewing the overall development plan for a long term phased subdivision allows the County to consider the cumulative impacts of development as compared to limiting review to a series of smaller subdivisions that would have to be reviewed individually. Mitigating conditions will protect the public and future land owners from taking on the costs of this development.

Conclusions of Law:

1. Provisions in the zoning district standards do not apply.
2. With the mitigating conditions, provisions in the Growth Policy appear to support granting the variance request.

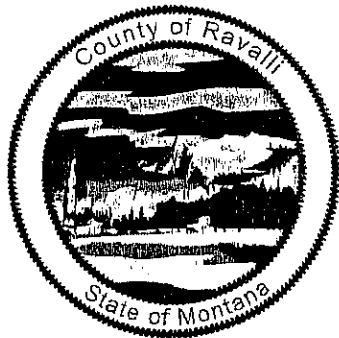
**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. Mitigating conditions will prevent impacts of granting the variance on public costs. (Conditions 18, 32, 40, 49 and 55)
2. By reviewing the entire project in phases instead of five individual subdivisions, potential costs to the public are easier to evaluate.

Conclusion of Law:

With the recommended conditions, impacts of granting the variance on public costs have been addressed.



## ROAD AND BRIDGE DEPARTMENT

244 FAIRGROUNDS ROAD

HAMILTON, MONTANA 59840

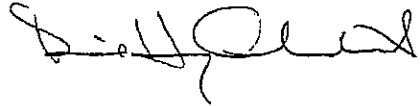
TELE: 406.363.2733 · FAX: 406.363.6701

RECEIVED

OCT 04 2006

10-06-10-1581  
Ravalli County Planning Dept.

### EXHIBIT A-1

DATE 04 OCTOBER 2006  
TO RAVALLI COUNTY PLANNING DEPARTMENT  
FROM DAVID H. OHNSTAD, COUNTY ROAD SUPERVISOR   
SUBJECT ONE HORSE ESTATES PRELIMINARY DESIGN REVIEW

Attached please find analysis and comment from the Ravalli County consulting engineers relative to the preliminary design submittal for the proposed One Horse Estates subdivision. The Road & Bridge Department will approve this preliminary design, with the understanding and expectation that those issues identified in the consulting engineer's memorandum of 29 September 2006 will be addressed appropriately and completely through the final design process. **The project owner shall demonstrate that stormwater will be effectively managed and will conform to the DEQ stormwater management regulations.**

The attention of the Planning Department is directed to Item #4 under "storm drainage" and the attached copy of electronic communication of 07 September.

Attached also is copy of e-mail communication of 14 August 2006.

Question at times arises as to the time required to process these reviews. Should improved cooperation of those submitting proposals at some time be realized, the review and processing of those proposals would be expedited accordingly.

**DATE:** September 29, 2006

**TO:** David Ohnstad, Ravalli County Road & Bridge Department

**CC:** Ron Uemura, PE, RAM Engineering

**FROM:** Jeremy W. Keene, P.E.

**RE:** One Horse Estates Subdivision Preliminary Review Completion

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above referenced project. Adequate road, grading, and drainage information has been submitted for the project, based on the following understanding of our previous preliminary review comments.

**Roadways**

1-3. A request for approach permits will be made to MDT upon approval of the subdivision by the BOCC.

**Storm Drainage**

2 and 5. Additional overflow culverts will be added at the following locations, per drawings received from Applebury Survey 9/29/06:

- Crossing Horseback Trail between Lot 8 and 20
- Crossing Buckaroo Blvd between Lot 68 and 64
- Crossing Buckaroo Blvd between Lot 66 and 63

4. Site visit confirmed that the drainage way is fed by irrigation water, however the USGS quad map shows the drainage as an intermittent stream. Ravalli County will make a determination on whether this falls under the definition of a "natural drainage". If it is determined to be a natural drainage, a variance application will be considered.

If the RCRBD is in concurrence with our review, please forward this letter to the Planning Office to be included with the full subdivision application.

A Preliminary Comment Memorandum was sent to the design engineer in accordance with Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. We are now sending this letter to your office in accordance with Step 7 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated July 18, 2006
- 2) Preliminary comment response memorandum from RAM Engineering, dated July 31, 2006
- 3) Preliminary comment response memorandum from RAM Engineering, dated August 15, 2006
- 4) WGM Group comment memorandum based on design engineer response, dated September 11, 2006
- 5) RAM Engineering response to 2<sup>nd</sup> WGM Group memorandum, dated September 20, 2006
- 6) Two memorandums from Applebury Survey, both incorrectly dated March 30, 2006

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.





ENGINEERING  
SURVEYING  
PLANNING

3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

Phone: (406)728-4611  
Fax: (406)728-2476  
www.wgmgroup.com

**DATE:** July 18, 2006  
**TO:** Ron Uemura, PE, RAM Engineering  
**CC:** David Ohnstad, Ravalli County Road & Bridge Department  
**FROM:** Jeremy W. Keene, P.E.  
**RE:** *Revised* - One Horse Estates Subdivision Preliminary Review Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has revised our original review of the preliminary grading and drainage plans and reports submitted by your office. Please disregard the preliminary review comments sent to your office on July 5, 2006. This revised memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

#### **Roadways**

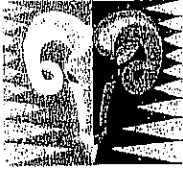
1. Two access points are proposed on Hwy 93 and one on Beck Lane. Please provide copies of the approach permit for each access. We are deferring any comments related to Hwy 93 access to the MDT.
2. The intersection of Buckaroo/Beck Lane is shown at a 45 degree angle and approximately 100 feet from Hwy 93. AASHTO recommends right angles wherever practical, and not less than 60 degrees (p. 388), and a 150-foot minimum separation (p.727).
3. No information was provided for Beck Lane. Is this a county road?
4. Names shown on Road Design Schedules do not match plans. Saddle Lane is not shown on the plans.
5. It appears that 52 lots contribute traffic to Horseback Trail (lower section) for an ADT of 416. Stopping sight distance and vertical curvature should be designed according to p. 381 of the AASHTO Green Book for the 25 mph design speed.
6. List K-values for Crest and Sag vertical curves on the schedules.

7. Intersection sight triangles should be according to p. 661 and 664 for stop controlled intersections. (p. 46 of the Low Volume Guidelines is for uncontrolled intersections).
8. Typical section shows 2:1 side slopes. Ravalli County Subdivision Regulations require a 4:1 side slope for a distance of 6' beyond the shoulder.
9. Cul-de-sac corner radii dimensions should be shown on the plans.
10. Signing plans are required for final plan review. "No Parking" signs should be provided where appropriate.

### **Storm Drainage**

1. Ravalli County Subdivision Regulations require analysis of the 10-year/1-hour storm and the 100-year/1-hour storm. It appears that a 2-year storm event was used to calculate the peak flows within the subdivision. No calculations for the 100-year storm event were provided.
2. Drywells are proposed to capture runoff in the roadside swales. No calculations for infiltration or sizing were provided. Calculations should demonstrate that the drywells will capture the 10-year peak flow without overtopping the roadway, or that adequate overflow swales and culverts are provided. Calculations should also demonstrate that the 100-year peak flow will not inundate any home site or drain field, per DEQ-8, Chapter 3.
3. The plans should show or indicate that no wells or drain fields will be located within 200 feet of a drywell, per DEQ-8, Chapter 1.
4. Analysis of the 10-year and 100-year storm was provided for off-site flows; however, the size of the proposed culvert was not indicated. We also question converting a natural drainage way to a culvert over a distance of 950 feet. Ravalli County Subdivision Regulations state that natural drainage ways shall be preserved except for necessary crossings.
5. It appears that additional culverts are needed to convey overflow from the drywells to existing drainages. Please address.
6. Where does overflow from the drywell between lots 1 and 48 go?

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



## RAM Engineering

Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238

Fax (406) 363-1880

Email: ramengineer@hotmail.com

# Memo

**PAID**  
1344.10  
Jensen

**To:** David Ohnstad, RCR&B  
**From:** Ron Uemura, PE  
**CC:** Karen Hughes, Dick Martin, Applebury Survey  
**Date:** July 31, 2006  
**Re:** One Horse Estates Subdivision - Preliminary Review Comments

**received**  
7-31-06

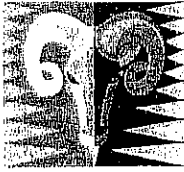
This response is in order of the revised review comments dated July 18, 2006 by WGM Group, Inc.:

### Roadways

1. The paved access points were provided by MDT as part of the Highway 93 widening project. See attached documents.
2. The alignment of the approach to Beck Lane/Hwy 93 was also as provided by MDT.
3. Beck Lane is a private road.
4. We apologize for this error as there was a last minute change in the proposed road names per comments from the Planning Department. ✓  
We include the revised sheets with this submittal.
5. While there may be 52 lots fronting off Horseback Trail near Hwy 93, we feel that some of the traffic will tend to go south on Buckaroo Boulevard instead. Besides vehicles going southbound, the Horseback Trail intersection would probably experience a longer wait time for vehicles traveling northbound and the drivers would opt to take Beck Lane to go northbound also. ✓

App. Permit  
required for  
change of  
use.

We assigned about 2/3 of the drivers, or 35 of the 52 lots would take Horseback Trail while 33 would elect to take Buckaroo Boulevard. We



## RAM Engineering

Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

received  
8-17-06

Ph. (406) 360-4238  
Fax (406) 363-1880  
Email: ramengineer@hotmail.com

# Memo

**To:** David Ohnstad, RCR&B  
**From:** Ron Uemura, PE *RU*  
**Date:** August 15, 2006  
**Re:** One Horse Estates Subdivision - Preliminary Review Comments

This response is in order of the Storm Drainage comments dated July 18, 2006 by WGM Group, Inc:

1. Attached is a revised Drainage Report showing the calculations for the 10-year frequency stormwater runoff within the subdivision and the 100-year frequency stormwater runoff from outside the subdivision flowing through the subdivision in accordance with the requirements of DEQ 8 (1.1.2.C & D). *Note that the requirement in the Subdivision Regulations [3-2-16(b)] for mitigating a 100-yr frequency does not address under what condition - this is a mistake that was pointed out earlier to the Planning staff but not changed.* ✓
2. See the Drainage Report for calculations of the drywell grate capacity.
3. The proposed well locations are shown on the revised drawings.
4. See the drainage report for the anticipated 100-year runoff and culvert sizing. See 1.1.2.B for an explanation to leave the ditch "as is" within Lots 14 & 15 and for regrading the area & installing a culvert along the rear of Lots 24, 25 and 69-73.
5. While the drywells are already oversized to capture the 10-year runoff, we are providing overflow swales to the nearest existing drainages as a safety precaution. We do not feel that a culvert is necessary. Although not a requirement, we are doing this a sound engineering practice.
6. There is an existing drainage way along Beck Lane.

*will drywells  
infiltrate in  
silly-sand sink?*



ENGINEERING  
SURVEYING  
PLANNING

3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

Phone: (406)728-4611  
Fax: (406)728-2476  
www.wgmgroup.com

**DATE:** September 11, 2006  
**TO:** Ron Uemura, PE, RAM Engineering  
**CC:** David Ohnstad, Ravalli County Road & Bridge Department  
**FROM:** Jeremy W. Keene, P.E.  
**RE:** One Horse Estates Response to Design Engineer Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our initial preliminary review comments for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Preliminary review comments have been addressed with the following exceptions. (Numbers used below reference comments from the initial preliminary comment memorandum.)

#### Roadways

- 1-3. MDT requires a new approach permit when there is a change of use. This would also apply to Beck Lane because it is a private road. Please provide copies of the approach permit for each access.

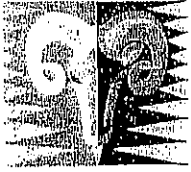
#### Storm Drainage

2. No calculations for infiltration or sizing of the drywells were not provided (see DEQ-8, Chapter 5). The 100-year event was not addressed, per DEQ-8, Chapter 3.
4. The proposal calls for converting what appears to be a natural drainage way to a culvert over a distance of roughly 600 feet to create better building sites. Section 5-8-1(f) of the Subdivision Regulations states: "Natural drainage ways shall be preserved except for necessary crossings in which the capacity of existing drainage ways shall be preserved."

Drainage ways shall remain clear and open and shall not be obstructed with fences, structures, etc. Lots shall be arranged to preserve and maintain these drainage channels. Crossings shall be designed to preserve or enhance the capacity of the drainage while concurrently preserving native vegetation." The proposed culvert does not appear to meet this regulation. See attached email from Renee Van Hoven for further explanation.

5. There are a number of drywell locations where an overflow channel is not provided as stated in the drainage report without a culvert under the road.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



## RAM Engineering

Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238

Fax (406) 363-1880

Email: ramengineer@hotmail.com

# Memo

**To:** Jeremy W. Keene, PE, WGM Group, Inc.  
**From:** Ron Uemura, PE  
**Date:** September 20, 2006  
**Re:** One Horse Estates Subdivision

This response is in order of your memo dated September 11, 2006:

### Roadways

- 1-3. Attached is an agreement between Mr. Martin and the State Department of Transportation (MDOT) regarding the purchase of rights-of-way and providing 3 road approach permits for the subject project "when requested by the owner". We will make this request upon approval of the subdivision by the Board of Commissioners. *ok*

### Storm Drainage

2. Calculations were provided in the revised Engineering Report submitted on August 15, 2006 to David Ohnstad. A copy of the pertinent page is attached for your convenience. Also attached are the 100-year frequency storm runoff calculations.
4. Water in the drainage way occurs only when the irrigation ditch is flowing from the westerly property. There is a large drainage basin of about 250 acres to the west of the project site, however, the 100-year peak discharge was calculated to be only about 10.4 cfs. A site visit confirms that there is no evidence of any waterway or erosion due to concentrated stormwater runoff.

*Infiltration rate/  
Capacity not  
addressed.*

*Confirmed in field  
but may still  
be Natural  
Drainage*

Due to the delay in having you to verify our conclusions, we decided to file a variance application with the Planning Department for our proposed grading and drainage improvements. This will be withdrawn if you concur with our conclusions.

5. The inclusion of overflow swales is not a requirement but something we are adding where feasible. As stated in the Engineering Report, the roadside swales and grated inlets are sized more than adequate to handle the projected 100-yr runoff.

See #2



Agreement in conjunction with right of way Agreement between Montana Department of Transportation (MDOT) and Richard S. Martin (Representing Marne and Melanie Martin and Mary Burns) regarding purchase of Right of Way regarding parcels 2-40, 2-42 and 2-45..

- 1.) MDOT agrees to provide 3 commercial residential accesses to this property west of Hwy 93 (just south of Florence) at stations 243+88, 246+28, and 249+62 with safe accesses for north and south bound traffic including 5 lane (i.e. turning lane) at station 243+88 and 249+62. And MDOT will provide three road approach permits for these stations when requested by owners of this property.
- 2.) MDOT agrees to provide adequate drainage and ditch accesses to new barrow pit ditch at approximately stations 243+88 246+28 and 249+62 so as not to adversely impact the 4 septic system sites at monitoring pipes # 16, 17, 274, and #102 (White Barn) as mentioned in 02-04-2003 letter from Daniel Hooten (Sanitarian) and on sight review.
- 3.) MDOT has assured Richard S. Martin that the sale of this Right of Way and Easement under Exemption 76-3-201 Subsection (1)(a) will not affect 20 - acre subdivision exemption.

Richard S. Martin:

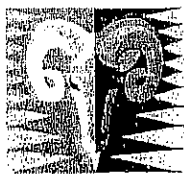
Date

11/1/2003

MDOT by:

Date

11/1/2003



## **RAM Engineering**

Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238  
Fax (406) 363-1880

Email: RAMEngineer@hotmail.com

# **Engineering Report**

**To:** Department of Environmental Quality  
**From:** Ron Uemura, PE  
**Date:** July 30, 2006  
**Re:** Drainage Report for One Horse Estates Subdivision

---

This report is prepared in accordance with the format required in Circular DEQ 8.

## **1.1 ENGINEERING REPORT**

### **1.1.1 General Information**

- A. The One Horse Estates is a proposed residential subdivision consisting of about 78 lots ranging in size from about ½ to 1 acre. The project is located on the southwest edge of the Town of Florence, MT.
- B. The owners of the property are Marne E. Martin, Melanie E. Martin, and Mary H. Burns, 330 Martin Lane, Florence, MT 59833.

### **1.1.2 Extent of the Storm Drainage**

#### **A. Drainage within the subdivision**

The total amount of 10-year frequency stormwater runoff is calculated to be about 12 CFS, or a net of -1.72 CFS (13.67 CFS - 11.95 CFS), using the DEQ spreadsheet (copy attached) from the undeveloped to the developed conditions.

The drywell grate flow capacity may be calculated in accordance with the following formula:

$$Q = cA(2gh)^{1/2} \text{ *clogging factor}$$

where c = orifice coefficient 0.6 for opening w/ square edges

A = net grate opening in sq. ft.

g = 32.2

h = allowable head at inlet in feet (use 0.5)

clogging factor = use 2/3

therefore,  $Q = 0.6 * (155/144) * (2 * 32.2 * 0.5)^{1/2} * 2/3 = 2.4 \text{ cfs}$

Drywells will be placed at strategic locations to prevent the buildup of runoff in the roadside swales. Although the runoff to each drywell is less than 1 cfs, overflow swales will be constructed at the sump conditions (cul-de-sacs) as a safety measure.

- B. Drainage outside the subdivision flowing through the subdivision  
 There is a drainage basin of about 250 acres located near the NW corner of the project. While normally dry, a ditch transports occasional snow melt and runoff to the highway and eventually to the One Horse Creek. It is proposed to leave this ditch "as is" within Lots 14 & 15 and install a culvert running along the rear of Lots 24 and 25 and Lots 69-73 to the new ditch constructed by the State along Highway 93. The filling and regrading of the ditch for the new culvert will provide buildable areas for these lots.

## 2.0. PEAK FLOW DETERMINATION

### 2.3 SCS Curve number method

In accordance with DEQ 8, provisions shall be made to pass the 100-yr flow originating from outside the subdivision without flooding home sites or drainfields and without overtopping roadways (at a recurrence interval of 10-yrs).

#### Parameters:

- 10-yr, 6-hr rainfall = 1.2 inches
- 10-yr, 24-hr rainfall = 1.8 inches
- 100-yr, 6-hr rainfall = 1.8 inches
- 100-yr, 24-hr rainfall = 2.8 inches
- Soil type = Bass, HSG = B, Hydrologic condition = woods, fair
- CN = 60
- L = 11,000', Contour interval = 20', Area = 250 acres

Potential maximum retention  $S = 1000/CN - 10 = 6.67$  inches

$$\begin{aligned} \text{Direct runoff } Q_{10} &= (P - 0.2S)^2 / (P + 0.8S) = \\ &= (1.8 - 0.2*6.67)^2 / (1.8 + 0.8*6.67) = 0.03 \text{ inches} \\ Q_{100} &= (2.8 - 0.2*6.67)^2 / (2.8 + 0.8*6.67) = 0.26 \text{ inches} \end{aligned}$$

$$\begin{aligned} \text{Average watershed slope } Y &= 100*C*I/A \\ &= 100*11,000*20/250*43,560 = 2.02 \% \end{aligned}$$

$$\begin{aligned} \text{Time of concentration } t_c &= [1 + (S + 1)] / (1140*Y) \\ &= [11,000 + (6.67 + 1)] / (1140*2.02) = 1.70 \text{ hours} \end{aligned}$$

$$\text{Initial abstraction } I_a = 0.2*(1000/CN) - 10 = 0.2*6.67 = 1.33 \text{ inch}$$

The  $I_a/P$  for the 10-yr and 100-yr return periods are:

$$I_a/P = 1.33/1.8 = 0.74 \text{ (10-yr) and } 1.33/2.8 = 0.48 \text{ (100-yr)}$$

The  $P_6/P_{24}$  ratio for each return period is:  
 $= 1.2/1.8 = 0.67$  and  $1.8/2.8 = 0.64$

From Figure 7-10,  $q_u = 0.14$  and  $0.16$

Therefore, the peak discharge can be calculated as  $q_u = q_u * A * Q$   
 $q_{10} = 0.14 * 250 * 0.03 = 1.05 \text{ cfs}$ ;  $q_{100} = 0.16 * 250 * 0.26 = 10.4 \text{ cfs}$

#### SUMMARY

The resultant small runoff confirms the land owner's knowledge of the ditch for the past several decades. However, for the design of the replacement pipe, we have elected to apply a safety factor of 2 and use a Design Q of 20 cfs. With this runoff, a 24" HDPE pipe is proposed. Also, as another safety precaution, the building pads for the homes along the drain pipe should be graded at least 12" higher and with the building floor another 12".

#### Attachments:

- DeLorme Topographic Map with the drainage area outside the subdivision shown
- Drainage & Grading Plan with the various runoff areas colored
- 10-year frequency Stormwater computations



Missoula District Office  
2100 W Broadway  
PO Box 7039  
Missoula, MT 59807-7039

OCT 22 2006  
IC-06-10-16603  
Ravalli County Planning Dept.

October 20, 2006

## EXHIBIT A-2

Tristan Riddell, Planner I  
Ravalli County Planning  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840

Subject: One Horse Estates - Florence

Tristan, thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 79-lot major subdivision "One Horse Estates". The proposed subdivision is located adjacent to US Highway 93 South, just south of Florence in Ravalli County.

The proposed development is within a 5-lane permissive area along the highway. The subdivision will utilize 3 access locations along the highway. Each access is designated private-residential & commercial by deed and right-of-way agreement.

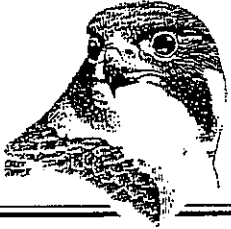
MDT is currently working with the developer to complete our internal review process for this subdivision. Upon completion of our review, MDT will issue new approach permits for the use of the proposed subdivision. These permits will supplement the existing deeds and right-of-way agreements.

Should you have any further questions, please give me a call at (406) 523-5800.

Sincerely,

Glen Cameron  
Missoula District Traffic Engineer

copies: Dwane Kailey, Missoula District Administrator  
Doug Moeller, Missoula Area Maintenance Chief  
Ed Breth, SIAP Supervisor



**F**LORENCE  
**C**ARLTON  
**S**CHOOL

FCS Home Page: [www.florence.k12.mt.us](http://www.florence.k12.mt.us)

RECEIVED  
OCT 26 2006  
IC-06-10-1693  
Ravalli County Planning Dep.

5602 Old Hwy 93  
Florence MT 59833

JOHN MCGEE  
SUPERINTENDENT  
Ph. (406) 273-6751

October 23, 2006

## EXHIBIT A-3

REBECCA STAPERT  
PRINCIPAL, GR. 9-12  
Ph. (406) 273-6301

Ravalli Planning Department  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840

EDWARD NORMAN  
PRINCIPAL, GR. 6-8  
Ph. (406) 273-0587

Re: One Horse Estates

VANCE VENTRESCA  
PRINCIPAL, GR. K-5  
Ph. (406) 273-6741

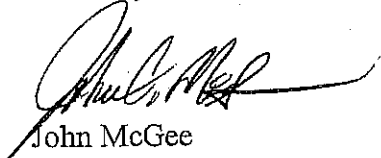
Dear Tristan Riddell:

CHRISSY HULLA  
ASST. PRINCIPAL, GR. K-5  
Ph. (406) 273-6741

Your letter to the Florence-Carlton School District dated October 16, 2006, requested comments about the One Horse Estates Major Subdivision with two variance requested. In anticipation of this and other subdivision, our district formed a Mitigation Fee committee. This committee took an in depth look at the impact subdivisions would have on our district. They used information commonly requested by the county commissioners when reviewing subdivisions, and information from an August 8, 2006 Impact Fee Study completed for our district.. You will find that the district is requesting a fee of \$10,418 per lot, and will file this request with the Ravalli County Planning Board. We also wish to have it on record that the District will not provide transportation services for any students who do not live on county roads.

If you have any questions, please do not hesitate to contact me.

Sincerely,



John McGee  
Superintendent

## SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: ONE HORSE ESTATES

Subdivider/Landowner Name(s):

**EXHIBIT A-4**Consultant Name: RAMDate Received: 6-8-06

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
			(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.	
<input checked="" type="checkbox"/>			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
<input checked="" type="checkbox"/>			(a) Vicinity Map or Plan	
<input checked="" type="checkbox"/>			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
<input checked="" type="checkbox"/>			(A) flood plains	
<input checked="" type="checkbox"/>			(B) surface water features	
<input checked="" type="checkbox"/>			(C) springs	
<input checked="" type="checkbox"/>			(D) irrigation ditches	
<input checked="" type="checkbox"/>			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
<input checked="" type="checkbox"/>			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
<input checked="" type="checkbox"/>			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
<input checked="" type="checkbox"/>			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
<input checked="" type="checkbox"/>			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
<input checked="" type="checkbox"/>			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

**RECEIVED**

JUN 08 2006  
 10-06-06-887  
 Ravalli County Planning Dept.

DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION  
MISSOULA WATER RESOURCES REGIONAL OFFICE

RECEIVED

OCT 27 2006

16-06-10-1698

1610 S. 3RD STREET W., SUITE 103  
P.O. BOX 5004



BRIAN SCHWEITZER  
GOVERNOR

STATE OF MONTANA

(406) 721-4284  
FAX (406) 542-1496

MISSOULA, MONTANA 59806-5004

October 26, 2006

**EXHIBIT A-5**

Tristan Riddell  
Ravalli Co. Planning Dept.  
215 South 4<sup>th</sup> ST; Suite F  
Hamilton, MT 59840

RE: Proposed One Horse Estates Subdivision

Dear Ravalli Co. Planning Dept:

Thanks for the opportunity to comment on the above mentioned subdivision.

The information provided indicates that the proposed water supply for this 79 lot subdivision is groundwater from individual wells for each of the lots. This proposal for water supply is not in conflict with the Montana Water Use Act. Groundwater sources with a combined appropriation of a flow rate of 35 gallons per minute or less and an annual volume of 10 acre feet or less are exempt from water right permit requirements. Under current regulations, wells must be physically manifold into the same system to be considered as a combined appropriation. Water right filing requirements for these non-manifold lower flow rate & volume wells is satisfied with a Notice of Completion of Groundwater Development filed by the landowner with this office within 60 days of well completion and beneficial use of the water.

As stated above, the proposal for individual wells is not in conflict with the Montana Water Use Act. However, it may be prudent to consider a community water system for a subdivision of this density and number of lots. A community water system offers some advantages over the individual well scenario proposed.

- o A community water system would require the developer to go through the water right permit process. This process requires aquifer testing and analysis and public notice to surrounding water right holders, who would have the opportunity to object to the new water right if they felt they would be adversely affected. With wells that meet the permit exemption there is no public notice process, even though the cumulative effect on the aquifer of all the individual wells will likely be similar to a community system well. Senior water right holders are not protected.



- The community system would offer less opportunity for groundwater contamination due to fewer "holes in the aquifer" and better wellhead protection afforded by a community system.
- Given the lot size, wells will be drilled in close proximity to each other. At this distance the wells could interfere with each other, depending on pumping rates and aquifer characteristics. This may result in conflict between neighbors. Limiting the amount of allowable area in lawn and garden, requiring sprinkler systems, and a schedule (limits) for irrigation may reduce the potential for conflict.
- A community system would be subject to periodic water quality testing, offering assurances to the residents that their water supply meets drinking water standards. There are no testing requirements that I am aware of for single-family wells.

Records indicate that the proposed subdivision area is included in the place of use for irrigation water right(s). The requirements of 76-3-504(i) MCA must be met. To paraphrase, this statute requires a water use agreement administered through a single entity; or, requires the surface water rights to be reserved and severed.

It is recommended that before Variance #2 is granted the developer provide sufficient information to demonstrate that the alteration of the natural drainage will not adversely affect adjacent landowners. It is also recommended that the developer identify how any flows generated by the natural drainage will be routed and where they will be routed.

If you have any questions or comments, I can be reached at 721-4284 or e-mail at [bischultz@mt.gov](mailto:bischultz@mt.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Schultz", with a long horizontal line extending to the right.

Bill Schultz  
Regional Manager

## EXHIBIT A-6

September 29, 2006

Marne Martin  
Richard Martin  
330 Martin Lane  
Florence, Montana 59833

Marne and Richard:

On Thursday September 28, 2006 I met with Richard Martin on the West Side of Hy 93 at proposed subdivision site. We drove up to the West fence line where the Martin (Townsend ditch) comes along the Martin properties and drops down a wooded draw. This draw connects with One Horse Creek further down the property.

After reviewing the Water Resources Survey ( green book) and this on site visit, I consider this a ditch until it connects with One Horse Creek. I have enclosed page 31 of Water Resources Survey showing Townsend ditch.

A handwritten signature in cursive script, reading "Tom Ruffatto". The signature is written in dark ink and is positioned above the printed name and title.

Tom Ruffatto  
Bitterroot Conservation Supervisor



# Montana Fish, Wildlife & Parks

## EXHIBIT A-7

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3101  
406-542-5500  
Fax 406-542-5529  
November 1, 2006

Tristan Riddell  
Ravalli County Planning Department  
215 S. 4 St. Ste. F  
Hamilton, MT 59840

Dear Mr. Riddell:

Reference: One Horse Estates--Proposed major (79 lots on 63.0 acres) subdivision, south of  
Florence

Our records show we first received information on this subdivision on October 17<sup>th</sup>, and we have not been able to finish review and formal comment by your internal deadline of October 25<sup>th</sup>, nor the public meeting deadline of today. Our rough comments follow:

1. We recommend including living with wildlife covenants. We would gladly provide a recommended version for this location at a later date.
2. We recommend including riparian area covenants. We would gladly provide a recommended version for this location at a later date.
3. We note a variance request to make alterations to a natural drainage that traverses the property, but we would need more information on what this proposal entails in order to adequately comment on the variance and its potential impacts to wildlife and/or fisheries.

Sincerely,

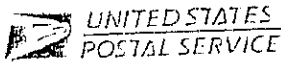
*/s/ Mack Long SDR*

Mack Long  
Regional Supervisor

ML/sr

C: Applebury Survey, 914 Highway 93, Victor, MT 59875

BIG SKY DISTRICT  
GROWTH MANAGEMENT



June 8, 2007

RECEIVED

JUN 11 2007

Reavell County Planning Dept.

10-07-06-729

## EXHIBIT A-8

To: County Planning Office  
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas  
Growth Management Coordinator  
Big Sky District

Randy Fifrick

---

**From:** Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]  
**Sent:** Friday, June 29, 2007 9:26 AM  
**To:** Randy Fifrick  
**Subject:** RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas  
Operations Programs Support

-----Original Message-----

**From:** Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]  
**Sent:** Tuesday, June 26, 2007 8:59 AM  
**To:** Wyrwas, Mike - Billings, MT  
**Subject:** Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mail, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).